

**REMARKS**

Claims 1-17 and 19-26 are pending. Claims 1 and 17 are independent. Claims 1-3, 6, 7 and 17 are hereby amended. Claim 18 is canceled.

In the Office Action, claims 17 and 19 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 5,966,120 to Arazi. Claims 1, 2, 4, 6, 9-11, 13 and 25 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,698,020 to Zigmond in view of U.S. Patent No. 6,029,045 to Picco. Claim 3 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Zigmond in view of U.S. Patent No. 5,970,249 to Holzle. Claim 5 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Zigmond in view of Picco and further in view of U.S. Patent No. 6,434,653 to Winston. Claim 7 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Zigmond in view of Picco and further in view of U.S. Patent No. 5,619,247 to Russo. Claim 8 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Zigmond in view of Picco and further in view of U.S. Patent No. 5,729,549 to Kostreski. Claims 12, 24 and 26 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Zigmond in view of Picco and further in view of U.S. Patent No. 6,701,526 to Trovato. Claims 14-16 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Zigmond in view of Picco and further in view of U.S. 2002/0016963 to Inoue. Claim 20 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Arazi in view of Inoue in view of U.S. Patent No. 5,886,995 to Arsenault. Claim 21 was rejected for the same reason as claim 20 and further in view of U.S. Patent No. 5,673,401 to Volk. Claim 22 was rejected in view of Arazi, Inoue, Arsenault, Volk and Picco. Claim 23 was rejected in view of Arazi, Inoue, Arsenault, Volk and U.S. Patent No. 5,790,935 to Payton.

Amended independent claim 1 recites, *inter alia*:

“...a controller responsive to a selection signal provided by the end user to cause the memory to output, independently of and simultaneously with continued receipt of the broadcast digital television data, selected portions of the broadcast data service having digital audio/video data in non-real time; wherein

the processor is also for converting the digital audio/video data of portions of the broadcast data service data into real time audio/video data.” (emphasis added)

Applicant respectfully submits that nothing has been found in the art used as a basis of rejection that would teach or suggest the above-identified features of claim 1. Specifically, nothing has been found that describes the memory to output, independently of and simultaneously with continued receipt of the broadcast digital television data, as recited in claim 1.

Thus, Applicant submits that claim 1 is allowable. Independent claim 17 recites similar features and is allowable for similar reasons.

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference or references, there is the bases for a contrary view.

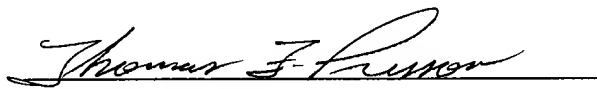
**CONCLUSION**

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:

A handwritten signature in cursive script, appearing to read "Thomas F. Presson", is written over a horizontal line.

Thomas F. Presson

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